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PATENT APPLICATION

ATTORNEY DOCKET NO. 10006086-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): **Bo SHEN**

Confirmation No.: 1999

Application No.: 09/825,495

Examiner: El Chanti, H. A.

Filing Date: 04/02/01

Group Art Unit: 2157

Title: A METHOD AND SYSTEM FOR DYNAMIC ROUTING TO SERVICE PROVIDERS

Mail Stop Appeal Brief - Patents
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TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on 10/20/06.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

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Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant: Bo Shen

Patent Application

Serial No.: 09/825,495

Group Art Unit: 2157

Filed: 04/02/2001

Examiner: El Chanti, H.

For: A Method and System for Dynamic Routing to Service Providers

Reply Brief

In response to the Examiner's Answer mailed on October 20, 2006,
Appellant respectfully submits the following remarks.

REMARKS

Appellant is submitting the following remarks in response to the Examiner's Answer. In these remarks, Appellant is addressing certain arguments presented in the Examiner's Answer. While only certain arguments are addressed in this Reply Brief, this should not be construed that Appellant agrees with the other arguments presented in the Examiner's Answer.

Item 1 of the Examiner's Response to Argument

In item 1 of the Examiner's response to the Appellant's argument A (please see pages 11-13 of the Examiner's Answer), the Examiner argues that "Duursma teaches "intelligently routing the service request to the selected application service provider server to perform the requested application; (Examiner's Answer, page 13, lines 1-2). Appellant respectfully assert that Duursma does not anticipate intelligently routing the service request to the selected application service provider server to perform the requested application.

Appellant respectfully submits that anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim (Lindemann Maschinefabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984)). Appellant respectfully submits that Duursma fails to disclose each and every element of Claims 1, 12 and 22, arranged as in the claim.

Specifically, Appellant respectfully submits that the feature of a service routing server utilizing a predetermined application criteria to intelligently select one of the at least two application service provider servers based on the application request received from the computing device, and intelligently routing

the computing device application service request over the network to the selected application service provider server to perform the requested application service (emphasis added).

In contrast, Appellant understands Duursma et al. to teach at Column 7 lines 20-30 (and additionally lines 58-59, Column 8 lines 14-15, lines 28-29; Column 9 lines 40-45, etc) that the server can launch the PN application in response to a request 42 by the client node 10 for a particular application program.

In view of the above remarks, Appellant continues to assert that Duursma et al. does not anticipate “using predetermined application criteria,” as claimed, for reasons provided herein and reasons previously presented in the Appeal Brief and prior Office Actions.

Item 2 of the Examiner’s Response to Argument

In item 2 of the Examiner’s response to the Appellant’s argument A (please see pages 13-14 of the Examiner’s Answer), the Examiner argues that “Duursma teaches “using predetermined application criteria to intelligently select the application service provider; (Examiner’s Answer, page 14, lines 9-10). Appellant respectfully disagree with the Examiner’s assertion.

Appellant respectfully submits that the specification clearly defines the predetermined application criteria including in the description of Figure 5 wherein the predetermined application criteria is described as “However, if the service provider network is able to provide the particular service by utilizing adequate

pre-qualified servers, and if clients have confidence in the system, then it would be feasible to send data along with the requests for services. In step 506, the SRS receives the request for services along with the data, and analyzes it. The SRS then determines which servers to refer for the service in step 508. The SRS may determine one or more alternative servers for the service, and may even rate them according to their relevance to the service requested. The SRS may also determine the availability of the service provider servers, as well as any status available on the servers.” (emphasis added).

Moreover, “Service provider application 658 is configured to develop and maintain associations with other SRSs as well as associated application servers. The service provider application may include lists of service providers along with the parameters of the service provider servers. These parameters may include locations of the particular servers, the types of services offered by individual servers, the capacity of individual servers, the cost of the services offered by individual servers, and other parameters that are useful to the routing of client requests. The application may also include code related to maintaining monitoring threads with service provider servers, which may allow an SRS to be updated as to the status of any particular server” (emphasis added).

Thus, Appellant respectfully submits the “predetermined application criteria” words of the claim must be given their plain meaning (emphasis added). In other words, they must be read as they would be interpreted by those of ordinary skill in the art. In re Sneed, 710 F.2d 1544, 218 USPQ 385 (Fed. Cir. 1983). Moreover, the predetermined application criteria terminology is clearly defined in the Specification and the Figures.

Appellant respectfully submits that the description provided on page 14 lines 1-14 of the Examiner's response deal with predetermined user criteria. For example, at line 3, the information includes the users or groups of users who are authorized to use the application and the minimum capabilities required of the client node before establishing a connection to run the application (emphasis added). Therefore, Appellant respectfully submits that the Examiner's statement that Duursma anticipates predetermined application criteria is incorrect (emphasis added).

Item 3 of the Examiner's Response to Argument

In item 3 of the Examiner's response to the Appellant's argument A (please see pages 13-14 of the Examiner's Answer), the Examiner argues that "Duursma teaches "developing a register for said application service provider, said register qualifying said application servers based on the parameters of the service provided by the application service providers; (Examiner's Answer, page 15, lines 4-6). Appellant respectfully disagree with the Examiner's assertion.

Appellant respectfully submits that the "Service provider application 658 is configured to develop and maintain associations with other SRSs as well as associated application servers. The service provider application may include lists of service providers along with the parameters of the service provider servers. These parameters may include locations of the particular servers, the types of services offered by individual servers, the capacity of individual servers, the cost of the services offered by individual servers, and other parameters that are useful to the routing of client requests. The application may also include code

related to maintaining monitoring threads with service provider servers, which may allow an SRS to be updated as to the status of any particular server” (emphasis added).

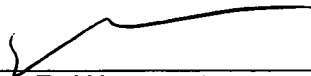
In contrast, Appellant respectfully submits that the description provided on page 14 lines 16-22 of the Examiner’s response deal with a list or register of user criteria. For example, at line 19, the information includes the users or groups of users who are authorized to use the application and the minimum capabilities required of the client node before establishing a connection to run the application (emphasis added). Therefore, Appellant respectfully submits that the Examiner’s statement that Duursma anticipates a register for said application service provider, said register qualifying said application servers based on the parameters of the service provided by the application service providers is incorrect (emphasis added).

In view of the above remarks, Appellant continues to assert that Duursma et al. does not anticipate "using predetermined application criteria," as claimed, for reasons provided herein and reasons previously presented in the Appeal Brief and prior Office Actions.

Respectfully submitted,

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Date: 12/24, 2006



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